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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,013	06/07/2001	Akifumi Shirasaka	862.C2260	9252

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EXAMINER

RONES, CHARLES

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,013

Applicant(s)

SHIRASAKA, AKIFUMI

Examiner

Charles L. Rones

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-24 is/are allowed.
- 6) ☐ Claim(s) 1,2,4-9,11-14 and 25-29 is/are rejected.
- 7) ☒ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, 4-9, 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al. U.S. Patent No. 6,401,121 ('Yoshida').

Yoshida discloses:

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As to claims 1 and 8,

recording means for recording the number of times of transfer of data managed by the server, which is requested from the terminal through another server, in association with the other server and the data; See Abstract; 2:5-17; 11:18-45; and

copy means for copying the data to the other server for which the number of times exceeds a predetermined number; See Abstract; 2:5-17; 18:45.

As to claims 4 and 11,

wherein each server further comprises means for deleting the data in the server after the data is copied by said copy means; See 7:48-67; 8:1-23; 11:52-67.

As to claims 5 and 12,

wherein the data is document data wherein data is deemed to include all data including document data; See 11:9-18.

As to claims 7 and 14,

recording means for recording the number of times of transfer of data managed by the server, which is requested from the terminal through the other server, in association with the other server and the data; See Abstract; 2:5-17; 11:18-45; and

copy means for copying the data to the other server for which the number of times exceeds a predetermined number; See Abstract; 2:5-17; 11:18-45.

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As to claims 25 and 27-29,

recording means for recording log information containing at least information related to the number of times of transfer of the data managed by the server, which is requested from the terminal through another server; See Abstract; 2:5-17; 11:18-45; and

means for copying or moving the data managed by the server to the other server on the basis of the log information (histories); See Abstract; 2:5-17; 9:38-55; 11:18-45; 12:1-10.

As to claim 26,

wherein the log information contains at least one of information of the number of times of request per unit time for data request from the terminal through the other server, information of a size of the data transferred to the terminal, information related to a load on the server, information of a degree of margin of the server, and information related to a load or a degree of margin of the entire network; See 9:38-65; 11:1-18; 12:1-20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, 9, 13, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. U.S. Patent No. 6,401,121 ('Yoshida') in view of Weider et al. U.S. Patent No. 6,374,253 ('Weider').

As to claims 2 and 9,

Yoshida discloses the claimed invention except for wherein each server further comprises means for recording an index of the data managed by the server, and means for updating the index when the data is copied. Weider teaches that it is known to provide wherein each server further comprises means for recording an index of the data managed by the server, and means for updating the index when the data is copied. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide wherein each server further comprises means for recording an index of the data managed by the server, and means for updating the index when the data is copied as taught by Weider, since Weider states in the Abstract that such a modification would allow determining the amount of data to be indexed to a maximum size and provide the index to higher order index servers if beyond a maximum size.

As to claims 6 and 13,

wherein the server is a server group formed from a data server which stores the data, and an index server which stores an index of the data; See Weider: Abstract Fig. 4A.

As to claims 21-24,

a network and having a hierarchical relationship and transfers data managed by each server in accordance with a request from a terminal connected to the server, wherein the terminal is assigned to one of lowermost servers, and each server comprises specifying means for, when transfer of the data managed by the server to the terminal is requested, specifying another server present between the server and the terminal, recording means for recording the number of times of transfer of data managed by the server in association with the specified other server and the data, and copy means for copying the data to the other server for which the number of times exceeds a predetermined number; See Abstract; 2:5-17; 9:38-55; 11:18-45; 12:1-10; Weider: 6:8-67.

Alternatively, claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. U.S. Patent No. 6,401,121 ('Yoshida')

As to claims 5 and 12,

wherein the data is document data wherein data is deemed to include all data including document data; See 11:9-18.

Allowable Subject Matter

Claims 15-20 are allowed.

Claims 3 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an Examiner's statement of reasons for the indication of allowable subject matter:

With regards to claims 15-20, the prior art of record does not disclose, make obvious, or otherwise suggest the structure of the applicant's data management system wherein the data is managed in an object format, the object contains the data, a management method, and management data, each server comprises means for executing processing defined in the management method, and the management method defines processing of recording the number of times of transfer of data managed by the server together with the other limitations of the independent claims. The dependent claims being further limiting and definite are also allowable.{PRIVATE }

With regards to claims 3 and 10, the prior art of record does not disclose, make obvious, or otherwise suggest the structure of the applicant's method wherein the servers are hierarchically constructed on the network, and said recording means of each server records the number of times related to a server on a lower side of the server together with the other limitations of the independent claims. The dependent claims being further limiting and definite are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles L. Rones
Primary Examiner
Art Unit 2175

March 11, 2004